

HENRY MIROLYUZ - 01/11/2019

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF MINNESOTA

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6 FAIR ISAAC CORPORATION, a X
Deleware corporation

7 Plaintiff(s)

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-vs- X CASE NO. 16-cv-1054
(WMW/DTS)

10 FEDERAL INSURANCE COMPANY, an
Indiana corporation, and ACE
11 AMERICAN INSURANCE COMPANY, a
Pennsylvania corporation

12 Defendant(s) X

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DEPOSITION OF HENRY MIROLYUZ

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DATE: JANUARY 11, 2019

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HELD AT:

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HUSEBY - CONNECTICUT
249 Pearl Street
21 Hartford, Connecticut

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23

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Dawn C. Mahoney, LSR #142

25

EXHIBIT

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<p style="text-align: right;">Page 10</p> <p>1 this as efficiently as possible and as respectfully to</p> <p>2 the witness as possible.</p> <p>3 MR. HINDERAKER: And Counsel, we will</p> <p>4 be doing the same thing, on some of your upcoming</p> <p>5 noticed depositions, designating those witnesses</p> <p>6 for some topics, and I'll asking for the same</p> <p>7 courtesies.</p> <p>8 MR. FLEMING: I understand your</p> <p>9 position. This is the second day that</p> <p>10 Mr. Mirollyuz has appeared for a deposition, at</p> <p>11 great inconvenience on both occasions. I believe</p> <p>12 you ought to be able to conclude the individual</p> <p>13 deposition and the topics that he's been</p> <p>14 designated for in one day, and we do not have any</p> <p>15 agreement beyond that.</p> <p>16 Q (By Mr. Hinderaker) And I understand,</p> <p>17 Mr. Mirollyuz, you've been designated for three topics?</p> <p>18 A I believe so.</p> <p>19 Q Okay. One of those topics, 15, I was</p> <p>20 advised last night about 8:30 p.m. So if we can in</p> <p>21 the future give a little bit more notice that would be</p> <p>22 appreciated.</p> <p>23 I've had -- the court report has marked this</p> <p>24 as Exhibit 178. You'll see it's a subpoena to</p> <p>25 testify today. Do you understand that you are here to</p>	<p style="text-align: right;">Page 12</p> <p>1 paycheck. My assumption was I was employed by CHUBB.</p> <p>2 Q CHUBB is a big thing. So my particular</p> <p>3 question is: Were you employed by Ace American</p> <p>4 Insurance Company just before you left?</p> <p>5 A I'm not sure. Again, I do not -- I cannot</p> <p>6 answer your question one way or another. My</p> <p>7 assumption is irrelevant in that case.</p> <p>8 Q Pardon me?</p> <p>9 A My assumption is irrelevant --</p> <p>10 (Court reporter asked for</p> <p>11 clarification.)</p> <p>12 A -- is probably irrelevant in this case. I</p> <p>13 do not know because I haven't looked in my paycheck.</p> <p>14 Q All right. So you don't know one way or the</p> <p>15 other?</p> <p>16 A Yes, exactly.</p> <p>17 Q Who employs you now?</p> <p>18 A Altair Technical Services.</p> <p>19 Q And when did you start that employment?</p> <p>20 A January 1st of 2019.</p> <p>21 Q Do you recall when you moved from your</p> <p>22 position working with Blaze Advisor software to we'll</p> <p>23 call it CHUBB IT Claims?</p> <p>24 A I believe in the beginning of 2015.</p> <p>25 Q Now, the merger between CHUBB and Ace was</p>
<p style="text-align: right;">Page 11</p> <p>1 testify pursuant to subpoena?</p> <p>2 A I do.</p> <p>3 MR. FLEMING: Did you say 158?</p> <p>4 MR. HINDERAKER: I said 178.</p> <p>5 Q This, sir, is Deposition Exhibit 179. Have</p> <p>6 you seen this 30(b)(6) Notice of Deposition before</p> <p>7 this morning?</p> <p>8 A I did.</p> <p>9 Q Okay. So just to reaffirm, you intend to</p> <p>10 testify on a 30(b)(6) basis to Topics 15, 16 and 17.</p> <p>11 Is that correct?</p> <p>12 A That is correct.</p> <p>13 Q Thank you. When we last met during a</p> <p>14 30(b)(6) deposition, I asked you for who you were</p> <p>15 employed by at that time. You answered CHUBB, IT</p> <p>16 Claims, and we just go let it go at that and we moved</p> <p>17 on. I'd like to get more clarity at the moment. I</p> <p>18 understand that you've left the employment?</p> <p>19 A Correct.</p> <p>20 Q Okay. At the time you left your employment,</p> <p>21 what was the specific company for whom you were</p> <p>22 working? What was on your paycheck?</p> <p>23 A I believe -- I do not recall, quite frankly.</p> <p>24 I did see my paycheck. I have a direct deposit. So</p> <p>25 quite frankly, I'm never interested what's in the</p>	<p style="text-align: right;">Page 13</p> <p>1 2016?</p> <p>2 A Correct.</p> <p>3 Q And so you think it was a year before the</p> <p>4 merger?</p> <p>5 A A year before, yes. Because of the internal</p> <p>6 reorganization.</p> <p>7 (Plaintiff's Exhibit 180 marked for</p> <p>8 identification.)</p> <p>9 Q As you'll see, Exhibit 180 is a May 21, 2009</p> <p>10 e-mail, and you are on the string of e-mails, so you</p> <p>11 see. It references an EUZ meeting with Henry to work</p> <p>12 on proof of concept to implement Blaze and EEU. Are</p> <p>13 you familiar with that?</p> <p>14 A Yes.</p> <p>15 Q My question to you, sir -- and when we were</p> <p>16 together before, you mentioned that while Blaze</p> <p>17 Advisor had been hosted -- was hosted on servers in</p> <p>18 Canada, CHUBB was in -- big CHUBB was in the process</p> <p>19 of migrating Blaze Advisor and Blaze Advisor</p> <p>20 applications to servers in North Carolina?</p> <p>21 A Correct.</p> <p>22 Q Okay. I'm going to have a similar set of</p> <p>23 questions with respect to Europe and the UK. Could</p> <p>24 the European CHUBB company benefit -- use Blaze</p> <p>25 Advisor applications for the sale of insurance</p>

HENRY MIROLYUZ - 01/11/2019

Pages 14..17

<p style="text-align: right;">Page 14</p> <p>1 policies in Europe with those applications and Blaze</p> <p>2 Advisor hosted in the United States?</p> <p>3 A I do not have this information.</p> <p>4 Q Okay. So technically, you don't know the</p> <p>5 answer to that one way or the other?</p> <p>6 A Yes, exactly.</p> <p>7 Q In this e-mail, then, Russell Hodey reports</p> <p>8 that they'd like to do a proof of concept to prove the</p> <p>9 usage and implementation of Blaze over in the EUZ. So</p> <p>10 to run the proof of concept they had to install Blaze</p> <p>11 Advisor in the UK.</p> <p>12 A They could or could not. It doesn't</p> <p>13 necessarily mean that it physically was installed in</p> <p>14 the UK.</p> <p>15 Q You don't know one way or the other?</p> <p>16 A I don't know one way or another.</p> <p>17 Q All right. It could have been installed</p> <p>18 only in the United States and had Blaze Advisor</p> <p>19 applications in the UK?</p> <p>20 A Used by UK but installed in the United</p> <p>21 States. It could have been.</p> <p>22 Q Technically that's possible?</p> <p>23 A Technically it's possible. Was it there or</p> <p>24 not? I cannot tell you.</p> <p>25 Q Whether they did or not, I understand. But</p>	<p style="text-align: right;">Page 16</p> <p>1 identification.)</p> <p>2 Q Mr. Mirolyuz, do you recognize this as an</p> <p>3 e-mail dated May 28, 2009 that you received from</p> <p>4 Russell Hodey?</p> <p>5 A Yes, I do.</p> <p>6 Q Do you conclude from this document that</p> <p>7 Blaze Advisor was installed in Europe?</p> <p>8 A I do not.</p> <p>9 Q Do you know one way or the other?</p> <p>10 A I don't.</p> <p>11 (Plaintiff's Exhibit 183 marked for</p> <p>12 identification.)</p> <p>13 MR. HINDERAKER: Counsel, you'll have</p> <p>14 to look over his shoulder. I don't have a second</p> <p>15 copy for some reason. I have many copies of the</p> <p>16 second page but not the first page.</p> <p>17 Q Do you recognize this as an e-mail dated</p> <p>18 November -- Exhibit 183. Do you have it, sir?</p> <p>19 MR. FLEMING: Just one second.</p> <p>20 Q Do you recognize Exhibit 183 as an e-mail of</p> <p>21 dated November 5, 2009 between yourself -- well, from</p> <p>22 Craig Thompson?</p> <p>23 A I do not because I don't believe I'm on this</p> <p>24 e-mail.</p> <p>25 Q I'm not suggesting that you are. Do you see</p>
<p style="text-align: right;">Page 15</p> <p>1 technically it is possible?</p> <p>2 A Correct.</p> <p>3 Q And their e-mail concludes that this</p> <p>4 obviously depends on us being able to use the</p> <p>5 Enterprise license agreement for all elements of</p> <p>6 Blaze. Henry said he will confirm this shortly.</p> <p>7 Do you recall following up on that?</p> <p>8 A I did not follow -- I follow up with Patrick</p> <p>9 Sullivan, who was the chief architect at that time at</p> <p>10 CHUBB. And as you can see on that e-mail, he</p> <p>11 confirmed that we have unlimited licenses.</p> <p>12 Q Okay. What he says is, "We have unlimited</p> <p>13 developer licenses."</p> <p>14 A Correct.</p> <p>15 Q Did you have any conversations with anyone</p> <p>16 with respect to the geographic scope of the license?</p> <p>17 A No, I did not.</p> <p>18 (Plaintiff's Exhibit 181 marked for</p> <p>19 identification.)</p> <p>20 Q Mr. Mirolyuz, do you recognize 181 as an</p> <p>21 e-mail you received from Russell Hodey around May 22,</p> <p>22 2009?</p> <p>23 A I do.</p> <p>24 Q Thank you.</p> <p>25 (Plaintiff's Exhibit 182 marked for</p>	<p style="text-align: right;">Page 17</p> <p>1 that this an e-mail November 5, 2009 from Craig</p> <p>2 Thompson to a number of people?</p> <p>3 A Yes, I do.</p> <p>4 Q All right. And I'm just going to ask you</p> <p>5 for your understanding of what it might mean. You see</p> <p>6 it says, "Can either of you answer which version of</p> <p>7 Blaze you're running on?"</p> <p>8 Let me back up. Do you know who Stuart</p> <p>9 Fisher is?</p> <p>10 A No. He's somebody in the European zone.</p> <p>11 But who he is, I don't know.</p> <p>12 Q And Russell Hodey is in the European zone as</p> <p>13 well?</p> <p>14 A Yes.</p> <p>15 Q All right. And Craig Thompson, is he --</p> <p>16 where does he come from?</p> <p>17 A He was in United States.</p> <p>18 Q All right. So we have somebody from the</p> <p>19 United States asking folks in Europe, "Can either of</p> <p>20 you answer which version of Blaze you're running on?"</p> <p>21 A Correct.</p> <p>22 Q Understood. The next sentence says, "I</p> <p>23 assume you're running on our infrastructure over</p> <p>24 here." Craig Thompson is saying that.</p> <p>25 I understand you're not on the e-mail. What</p>

<p style="text-align: right;">Page 18</p> <p>1 does that mean?</p> <p>2 A Can you repeat the question, please?</p> <p>3 Q Mr. Thompson says, "I assume you're running</p> <p>4 on our infrastructure over here." My question is:</p> <p>5 What does that mean?</p> <p>6 A His assumption is that the Blaze is being</p> <p>7 run on the infrastructure in the United States.</p> <p>8 That's my understanding of the statement.</p> <p>9 Q Thank you. And of course, whether that's</p> <p>10 right or wrong is not something you know. But again,</p> <p>11 it would be technically possible to do that?</p> <p>12 A Correct.</p> <p>13 Q Okay. This is Exhibit 154 from an earlier</p> <p>14 deposition. I just have some questions to you about</p> <p>15 it. I understand this date is after -- I understand</p> <p>16 the date, 2018. But you're familiar with reports that</p> <p>17 are called ChEAR reports or CHUBB Enterprise</p> <p>18 Application Registry?</p> <p>19 A Correct, I am.</p> <p>20 Q Could you explain what they are for me,</p> <p>21 please?</p> <p>22 A This is the repository or registry of all</p> <p>23 the application -- production application at CHUBB.</p> <p>24 Q Okay. As a repository of the production</p> <p>25 applications at CHUBB, is it a report that reports on</p>	<p style="text-align: right;">Page 20</p> <p>1 let's try -- I was working off of something else.</p> <p>2 Sorry.</p> <p>3 Q (By Mr. Hinderaker) Go to the fifth page</p> <p>4 in. Now it's on the bottom third -- Asia Pacific,</p> <p>5 Evolution Asia Pacific, Blaze Advisor, and then Blaze</p> <p>6 Advisor 7.1. Do you see that line?</p> <p>7 A Correct.</p> <p>8 Q Okay. This is telling us that Blaze Advisor</p> <p>9 7.1 is being used for Evolution in the Asia Pacific</p> <p>10 zone?</p> <p>11 A What it tells me is that the Evolution</p> <p>12 application was used by Asia Pacific.</p> <p>13 Q Yes. And is it saying that that application</p> <p>14 is running on Blaze 7.1?</p> <p>15 A It's using Blaze 7.1. Correct.</p> <p>16 Q Okay, thank you.</p> <p>17 MR. HINDERAKER: Whatever the next one</p> <p>18 is.</p> <p>19 (Plaintiff's Exhibit 184 marked for</p> <p>20 identification.)</p> <p>21 Q So I've given you Exhibit 184, which is, by</p> <p>22 it's heading -- well, it's dated April 9, 2008 and, by</p> <p>23 it's heading, it's another ChEAR monthly</p> <p>24 maintenance -- another ChEAR report. Do you agree?</p> <p>25 A Agree.</p>
<p style="text-align: right;">Page 19</p> <p>1 the status of things as of the date of the report?</p> <p>2 A Correct. As they're entered into the</p> <p>3 repository.</p> <p>4 Q The status of those things as information is</p> <p>5 entered into the repository?</p> <p>6 A Correct.</p> <p>7 Q Thank you. So if I was to -- let's look at</p> <p>8 the last page of this exhibit, 154, sort of up in the</p> <p>9 top third: Asia Pacific, Evolution, Evolution Asia</p> <p>10 Pacific, Technology, and then under Technology</p> <p>11 Version, Technology Blaze Advisor and then under</p> <p>12 Technology Version, Blaze Advisor 7.1. Do you see</p> <p>13 that line?</p> <p>14 MR. FLEMING: On what page?</p> <p>15 MR. HINDERAKER: The last page.</p> <p>16 MR. FLEMING: No Bates stamp on it,</p> <p>17 right?</p> <p>18 MR. HINDERAKER: That's correct.</p> <p>19 THE WITNESS: Evolution. My apologies.</p> <p>20 It's not what -- I think my last page is</p> <p>21 different from your last page.</p> <p>22 MR. HINDERAKER: Well, that's trouble.</p> <p>23 MR. FLEMING: Yeah, my last page is</p> <p>24 different also.</p> <p>25 MR. HINDERAKER: Here we go again. So</p>	<p style="text-align: right;">Page 21</p> <p>1 Q Would you go to what's marked as page 8 of</p> <p>2 26 in the document?</p> <p>3 A Yeah.</p> <p>4 Q If we go --</p> <p>5 MR. FLEMING: Wait a minute. So this</p> <p>6 goes from -- how many pages in are you talking</p> <p>7 about?</p> <p>8 MR. HINDERAKER: The page is numbered</p> <p>9 at the bottom, 8 of 26.</p> <p>10 MR. FLEMING: Okay. Because it's</p> <p>11 numbered at the beginning pages. Okay. 8 of 26.</p> <p>12 Q (By Mr. Hinderaker) So on page 8 of 26, if</p> <p>13 we go down, what, five and six lines, it's telling us</p> <p>14 that Blaze Advisor 6.1 and 6.5X are being used. Can</p> <p>15 you tell from this exhibit where that use is?</p> <p>16 A No. And actually, it doesn't tell that it's</p> <p>17 being used. It's says it's being available as a</p> <p>18 technology.</p> <p>19 Q Oh, okay. Thank you. So that it's meaning?</p> <p>20 A Correct.</p> <p>21 Q It's available as an technology. Whether</p> <p>22 it's used or not, we don't know from this exhibit?</p> <p>23 A Correct.</p> <p>24 Q If it is used, where it's used, we don't</p> <p>25 know from this exhibit?</p>

<p style="text-align: right;">Page 22</p> <p>1 A We don't know.</p> <p>2 Q This is an exhibit from your earlier</p> <p>3 deposition when we talked about installations in the</p> <p>4 UK. As you see, the document comes -- it's from</p> <p>5 yourself to Richard Johnson and others.</p> <p>6 Can you confirm for me that as of this date</p> <p>7 this document reports that Blaze Advisor 6.7 is being</p> <p>8 used in Europe?</p> <p>9 A It does not confirm that it was used. All</p> <p>10 it confirm is that I provide the information where</p> <p>11 they can -- if they choose so to download the</p> <p>12 software. But it does not confirm that it was used.</p> <p>13 Q All right. SO if at this time they were to</p> <p>14 download Blaze Advisor from that internal site of</p> <p>15 CHUBB, it would be version 6.7 that would be</p> <p>16 downloaded?</p> <p>17 A Correct.</p> <p>18 (Plaintiff's Exhibit 185 marked for</p> <p>19 identification.)</p> <p>20 Q I'm showing you -- you have Exhibit 185, an</p> <p>21 e-mail dated May 25, 2010. Dean Lawton, is he from</p> <p>22 Europe?</p> <p>23 A According to the e-mail heading, yes, he is.</p> <p>24 Q Okay. And are all of the recipients from</p> <p>25 Europe, according to the header?</p>	<p style="text-align: right;">Page 24</p> <p>1 insurance to their customers?</p> <p>2 A It's primarily -- to my knowledge, it's</p> <p>3 primarily used by the internal staff, basic</p> <p>4 information provided by brokers and agents. Of</p> <p>5 course, there could be exception to that rule. But as</p> <p>6 a general rule, it's for the internal staff.</p> <p>7 Q All right. So then based upon information</p> <p>8 provided by the brokers and agents, the policy</p> <p>9 administration system then responds to the broker and</p> <p>10 agent with the proposed solution or the proposed</p> <p>11 policy and a quote for that policy?</p> <p>12 A Correct. And if they accept it, they book,</p> <p>13 bind and issue the policy.</p> <p>14 Q And then if the agent accepts the -- or the</p> <p>15 customer accepts the policy, the agent then does</p> <p>16 something -- provides information, and as a</p> <p>17 consequence, the policy administration system presents</p> <p>18 to the agent the information that binds -- the</p> <p>19 customer has a binding insurance policy and it's</p> <p>20 booked and the deal is done, correct?</p> <p>21 (Plaintiff's Exhibit 186 marked for</p> <p>22 identification.)</p> <p>23 Q Now you have Exhibit 186. This is an</p> <p>24 e-mail. I acknowledge that you are not showing on the</p> <p>25 chain. Could you identify John Sarnese, please?</p>
<p style="text-align: right;">Page 23</p> <p>1 A That is correct.</p> <p>2 Q And then the carbon copy is Ewen Setti.</p> <p>3 He's European, he's from London as well?</p> <p>4 A Yes. Yes, he is.</p> <p>5 Q Okay. Do you know what the application</p> <p>6 Adapt/Adapt BE is?</p> <p>7 A To my knowledge, it's a policy</p> <p>8 administration system for the, I believe, ABL line of</p> <p>9 business.</p> <p>10 Q What is the ABL line of business?</p> <p>11 A I do not -- I do not recall. It's accident</p> <p>12 and death, I believe, benefits. But that's my</p> <p>13 assumption.</p> <p>14 Q And would you give us the meaning of a</p> <p>15 policy administration system?</p> <p>16 A It's an application which allows to book,</p> <p>17 bind and issue policies -- insurance policies for the</p> <p>18 specific line of business.</p> <p>19 Q Do brokers and agents use it?</p> <p>20 A Sometimes. I'm not sure about this</p> <p>21 particular case.</p> <p>22 Q Okay. I guess let's just talk about policy</p> <p>23 administration systems in general and your knowledge</p> <p>24 about that. As a general statement, brokers and</p> <p>25 agents use policy administration systems to sell</p>	<p style="text-align: right;">Page 25</p> <p>1 A He is the architect at CHUBB IT. He was at</p> <p>2 that time. He was an architect at CHUBB IT.</p> <p>3 Q CHUBB where?</p> <p>4 A CHUBB IT.</p> <p>5 Q CHUBB IT. In the U.S.?</p> <p>6 A In the U.S.</p> <p>7 Q And Patrick Sullivan, as you said, was chief</p> <p>8 architect?</p> <p>9 A Chief architect.</p> <p>10 Q In the U.S.?</p> <p>11 A Correct.</p> <p>12 Q And then the subject matter of the</p> <p>13 attachment is Blaze Platform Application Usage Matrix.</p> <p>14 If we look at the last page -- I'm asking for your</p> <p>15 interpretation of the last page.</p> <p>16 MR. FLEMING: Literally, the last page</p> <p>17 that I have is this; it has two words on it.</p> <p>18 MR. HINDERAKER: How about the second</p> <p>19 to the last page?</p> <p>20 Q So it starts off with "SBU" as the column</p> <p>21 header?</p> <p>22 A Correct.</p> <p>23 Q That means business unit?</p> <p>24 A Correct.</p> <p>25 Q Do you know what "S" stands for?</p>

<p style="text-align: right;">Page 26</p> <p>1 A Service Business Unit.</p> <p>2 Q Okay. And then do you know what "CAH"</p> <p>3 stands for?</p> <p>4 A CAH, Canadian Accident and Health.</p> <p>5 Q And on the third line is -- and Canadian</p> <p>6 Accident and Health, does that -- do you understand</p> <p>7 that to mean that the Adapt ABL is an application that</p> <p>8 is run in Canada?</p> <p>9 A Correct.</p> <p>10 Q Okay. And then we have CAH NEU Adapt, and</p> <p>11 you understand that that is -- that application called</p> <p>12 Adapt is also run in the European zone?</p> <p>13 A I cannot answer this one way or another.</p> <p>14 Q Okay.</p> <p>15 A Because I'm not familiar with that</p> <p>16 abbreviation, "CAH NEU."</p> <p>17 Q Fair enough. The top three lines have Blaze</p> <p>18 version Blaze Advisor 7.1 listed. Do you interpret</p> <p>19 that as saying that Blaze Advisor 7.1 is the version</p> <p>20 being used for Adapt ABL and Adapt?</p> <p>21 A Correct.</p> <p>22 Q And then in red -- and then you see the next</p> <p>23 three entries in red with different Blazer Advisor</p> <p>24 versions. Do you have any understanding of what the</p> <p>25 red designates?</p>	<p style="text-align: right;">Page 28</p> <p>1 showed you. I'd like to direct my questions to the</p> <p>2 second to the last line where it says "EUZ" and then</p> <p>3 "Exari Pilot." Do you see where I'm saying?</p> <p>4 A Yeah.</p> <p>5 Q Do you know what the application Exari Pilot</p> <p>6 is?</p> <p>7 A I do not.</p> <p>8 Q The document itself says it's running on</p> <p>9 Blaze Advisor version 7.1. Do you agree?</p> <p>10 A Yes, according to the table.</p> <p>11 Q According to the table. Okay. Do you find</p> <p>12 in that nicely organized stack the second exhibit, the</p> <p>13 30(b)(6)?</p> <p>14 A This one?</p> <p>15 Q Yes, sir. If you would go to Topic 15,</p> <p>16 which is on page 8.</p> <p>17 A Because mine ends on page 7.</p> <p>18 Q How can that be? Can I see it?</p> <p>19 A Sure.</p> <p>20 Q Got it. Let's go to page 5, Topic 15, and</p> <p>21 you'll see, just to set the table, Topic 15 is any</p> <p>22 assistance by FICO, including identification of the</p> <p>23 FICO employees in the installation of Blaze Advisor</p> <p>24 software on servers located outside of the United</p> <p>25 States, including, but not limited to, the United</p>
<p style="text-align: right;">Page 27</p> <p>1 A Red designate that we are behind the current</p> <p>2 version. So 7.1 is the current version. That</p> <p>3 particular application could be using version which is</p> <p>4 behind the current one.</p> <p>5 Q Okay. SO then we go down the remainder of</p> <p>6 that column, we would have the same answers to those</p> <p>7 questions: When it's in black, that's the version</p> <p>8 that is being used, and when it's in red, it</p> <p>9 designates that the version being used is behind the</p> <p>10 most recent version?</p> <p>11 A Correct.</p> <p>12 Q All right. And then there are the entries</p> <p>13 with cross-throughs?</p> <p>14 A Yes.</p> <p>15 Q Do you know what those mean?</p> <p>16 A The cross-through mean the application has</p> <p>17 been upgraded to more recent version. At some point</p> <p>18 it was behind Blaze Advisor 6.9 and now it's Blaze</p> <p>19 Advisor 7.1.</p> <p>20 Q Thank you.</p> <p>21 (Plaintiff's Exhibit 187 marked for</p> <p>22 identification.)</p> <p>23 Q I'm now giving you Exhibit 187, October 9,</p> <p>24 2013. And if you go to the table at the back, you'll</p> <p>25 see that it's very similar to the table that I just</p>	<p style="text-align: right;">Page 29</p> <p>1 Kingdom, Canada, and Australia. This is one of the</p> <p>2 topics you've been designated to testify.</p> <p>3 MR. FLEMING: I'd like to just raise at</p> <p>4 this time, at the prior deposition, beginning on</p> <p>5 page 36 and continuing through page 57, you asked</p> <p>6 questions of Mr. Mirolyuz about that exact topic.</p> <p>7 We're going to object to any questions in which</p> <p>8 you are simply repeating the same question where</p> <p>9 he's already responded to that.</p> <p>10 MR. FLEMING: Well, then raise your</p> <p>11 objection when you wish.</p> <p>12 Q So Mr. Mirolyuz, we talked about the</p> <p>13 assistance, this topic of the assistance of FICO in</p> <p>14 the installations outside of the United States before.</p> <p>15 My understanding is that you do not have any</p> <p>16 firsthand knowledge of FICO personnel assisting in the</p> <p>17 installation of Blaze Advisor outside of the United</p> <p>18 States, correct?</p> <p>19 A Correct.</p> <p>20 Q Have you done anything to prepare yourself</p> <p>21 to testify to this topic today giving us the knowledge</p> <p>22 of the corporation?</p> <p>23 A I reviewed the e-mails, reviewed the</p> <p>24 information which was available to me, as well as I</p> <p>25 had discussion with the CHUBB employees.</p>

<p style="text-align: right;">Page 142</p> <p>1 Q Have you seen it before?</p> <p>2 A Let me take a look.</p> <p>3 Q Sure, please do.</p> <p>4 A No, I do not. I'm not part of the</p> <p>5 leadership team.</p> <p>6 Q Say that again.</p> <p>7 A I was not part of the leadership team.</p> <p>8 Q Do you have any doubt that this is a set of</p> <p>9 slides presented to the senior leadership team at</p> <p>10 CHUBB?</p> <p>11 A I cannot say one way or another. It looks</p> <p>12 authentic but, again, I cannot say one way or another.</p> <p>13 Q Got it. Do you know what CHUBB's "Premium</p> <p>14 Booking" means?</p> <p>15 A It's what we discussed before; it's a</p> <p>16 downstream service or application which allows booking</p> <p>17 or the recording of the premium of the policies that</p> <p>18 have been booked, binded and issued.</p> <p>19 Q Okay. Do you know if that helps CHUBB</p> <p>20 respond to new business opportunities?</p> <p>21 A No.</p> <p>22 Q You don't know one way or the other?</p> <p>23 A It does not. It just records the premiums</p> <p>24 of business underwritten.</p> <p>25 Q Would you turn to the third page of this</p>	<p style="text-align: right;">Page 144</p> <p>1 identification.)</p> <p>2 Q Can you identify Exhibit 205 for us, please?</p> <p>3 A Release 3 - Profitability Indicator Business</p> <p>4 Requirements.</p> <p>5 Q Defined book -- and then Renewal</p> <p>6 requirements, defined book requirements.</p> <p>7 A Correct.</p> <p>8 Q We have a date of 5/7/2009. Is this a kind</p> <p>9 of document -- is this document one that was prepared</p> <p>10 by the business analyst?</p> <p>11 A Correct. Yes, it is.</p> <p>12 Q On page 00004, in the fourth paragraph it's</p> <p>13 giving some history, Release 1, then it goes to</p> <p>14 Release 2, created the functionality for the scoring</p> <p>15 engine.</p> <p>16 A Yes.</p> <p>17 Q Scoring engine. What is that? Is that</p> <p>18 Profitability Indicator?</p> <p>19 A Profitability.</p> <p>20 Q Data Services. What is that?</p> <p>21 A I cannot not even guess.</p> <p>22 Q Okay. Underwriting Guidance we've spoken</p> <p>23 about.</p> <p>24 A Correct.</p> <p>25 Q Integration with CSI eXpress for new</p>
<p style="text-align: right;">Page 143</p> <p>1 document to the leadership? "The primary business</p> <p>2 goal..." I'm looking before the bullet points. "The</p> <p>3 primary goal of the premium booking modernization</p> <p>4 program is to improve the flexibility and</p> <p>5 responsiveness of CHUBB's premium booking and</p> <p>6 downstream integration process" --</p> <p>7 A Yeah.</p> <p>8 Q -- "to allow the company to more quickly and</p> <p>9 efficiently respond to new business opportunities."</p> <p>10 A Yeah.</p> <p>11 Q Do you disagree with that?</p> <p>12 A I cannot disagree. If it's written here, I</p> <p>13 cannot disagree. I don't have a knowledge if it uses</p> <p>14 to any of the booking of new business. To my</p> <p>15 knowledge, Premium Booking is just a recording.</p> <p>16 Q To your knowledge?</p> <p>17 A To my knowledge. Correct.</p> <p>18 Q The Premium Booking Modernization was</p> <p>19 implemented?</p> <p>20 A Yes, it was.</p> <p>21 Q And of course, it uses Blaze Advisor,</p> <p>22 correct?</p> <p>23 A It does. As one of the components.</p> <p>24 Q As one of the components.</p> <p>25 (Plaintiff's Exhibit 205 marked for</p>	<p style="text-align: right;">Page 145</p> <p>1 business models and new business underwriting</p> <p>2 processes we've spoken about.</p> <p>3 A We talk about it. Yes.</p> <p>4 Q And now this Release 3 says, Includes</p> <p>5 generating Profitability Indicator -- well, PI means</p> <p>6 Profitability Indicator? Yes?</p> <p>7 A Yes.</p> <p>8 Q Information for renewal policies using</p> <p>9 renewal models and also scoring defined book of</p> <p>10 business. What does that mean?</p> <p>11 A I do not have a definition more the "defined</p> <p>12 book of business."</p> <p>13 Q But renewal policies using renewal models</p> <p>14 and scoring, that's the Profitability Indicator?</p> <p>15 A Correct. It has a separate implementation</p> <p>16 or separate models for the new business and later</p> <p>17 releasing models for the renewal.</p> <p>18 Q For the renewal. And this Release 3 for the</p> <p>19 renewal business, that was implemented and deployed</p> <p>20 using Blaze Advisor?</p> <p>21 A To my knowledge it was.</p> <p>22 (Plaintiff's Exhibit 206 marked for</p> <p>23 identification.)</p> <p>24 Q Can you identify Exhibit 206 for us, please?</p> <p>25 A It is e-mail from Nancy Halpin Birkner to a</p>

HENRY MIROLYUZ - 01/11/2019

Pages 146..149

<p style="text-align: right;">Page 146</p> <p>1 number of people at CHUBB, Owen Williams and, 2 actually, Patrick Sullivan. 3 Q And you've identified for us Owen Williams 4 and Patrick Sullivan already? 5 A Yes, I did. 6 Q And then attached that is Premium Booking 7 Modernization Policy Transaction Validation Business 8 Rules Solution Recommendation. 9 A Yes. 10 Q Were you a part of the development of this 11 document? 12 A I was providing the estimate services; 13 however, the document itself was created by Michael 14 Meyer. Mike Meyer. 15 Q And you were providing the what services? 16 A Subject matter expert. 17 Q Subject matter expert. 18 A SME. 19 Q So you were the subject matter expert 20 relative to Blaze Advisor for the Premium Booking 21 Modernization project? 22 A Correct. 23 Q Again, the Premium Booking Modernization 24 project was fulfilled, deployed, and implemented? 25 A Yes, it was.</p>	<p style="text-align: right;">Page 148</p> <p>1 MR. HINDERAKER: Whatever you say. 2 Q -- Exhibit 208, another presentation to the 3 Senior Leadership -- another Senior Leadership 4 Presentation of October 2009. Were you a part of this 5 one at all? 6 A No, I was not. I am not part of Senior 7 Leadership team. 8 MR. HINDERAKER: So let's change tapes. 9 THE VIDEOGRAPHER: This is the end Of 10 Media Unit Number 3. Going off record. The time 11 would be approximately 2:56. 12 (Plaintiff's Exhibit 209 marked for 13 identification.) 14 (Recess taken from 2:56 to 2:09.) 15 THE VIDEOGRAPHER: We're back on 16 record. This is the beginning of Media Number 4. 17 The time would be approximately 3:09. You may 18 continue. 19 Q (By Mr. Hinderaker) You have now Exhibit 20 209. That's there. 21 A Thank you. 22 Q As you see, it bears the title "FICO 23 Professional Services, CHUBB & Son, CSI/PI 24 Underwriting Guidance Project, Blaze Advisor Decision 25 Definition Document."</p>
<p style="text-align: right;">Page 147</p> <p>1 (Plaintiff's Exhibit 207 marked for 2 identification.) 3 Q I've given you Exhibit 207. Do you see on 4 the first slide it's "Adapt BE Broker System." 5 A Yes, I do. 6 Q Can you identify Dean Lawton, International 7 ANH IT Manager? 8 A I cannot. 9 Q Were you part of the International IT 10 Managers Meeting of September 21, 2009? 11 A No, I was not. 12 Q That document bears the CHUBB logo in the 13 upper left? 14 A Yes, it is. 15 Q Okay. So do you agree with me that this is 16 a set of slides from the International IT Manager's 17 Meeting of September 21, 2009 for CHUBB? 18 A I cannot agree or disagree with you because, 19 again, I was not part of that meeting. Anything can 20 be printed on the paper. It was used or not, I cannot 21 speak to that. 22 (Plaintiff's Exhibit 208 marked for 23 identification.) 24 Q Now, you have Exhibit 210 -- 25 COURT REPORTER: 208.</p>	<p style="text-align: right;">Page 149</p> <p>1 A Yes, it is. 2 Q Do you recall the context of this work, 3 Exhibit 209? 4 A Yes, I do. 5 Q And what was it? 6 A It is initial implementation of PI and 7 Underwriting Guidance for CSI eXpress. 8 Q And that was, of course, implemented? 9 A Yes, it was. 10 (Plaintiff's Exhibit 210 marked for 11 identification.) 12 Q If you could identify Exhibit 210, please. 13 A Enterprise IT Strategy Appendices. 14 Q Do you recall the document from your time at 15 CHUBB? 16 A No, I do not. 17 Q Can you tell from the document it's 18 authorship? 19 A I cannot. It doesn't bear the CHUBB logo or 20 I don't see anything except from prepared by 21 Enterprise IT Strategy team. 22 Q At CHUBB, was there an Enterprise IT 23 Strategy team? 24 A I'm not aware of such team. 25 (Plaintiff's Exhibit 211 marked for</p>